

1 KRISTOL BRADLEY GINAPP  
2 Nevada Bar No. 8468  
3 E-Mail: Kristol.Ginapp@lewisbrisbois.com  
CAYLA WITTY  
4 Nevada Bar No. 12897  
5 E-Mail: Cayla.Witty@lewisbrisbois.com  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Boulevard, Suite 600  
5 Las Vegas, Nevada 89118  
702.893.3383  
6 FAX: 702.893.3789

7 Attorneys for *Affinitylifestyles.com, Inc. d/b/a*  
*Real Alkalized Water*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 GRECIA ECHEVARRIA-HERNANDEZ,  
11 individually,

12 Plaintiff,

13 vs.

14 AFFINITYLIFESTYLES.COM, INC. d/b/a  
REAL ALKALIZED WATER, a Nevada  
15 corporation, DOES I-X, and ROE BUSINESS  
ENTITIES I-X, inclusive,

16 Defendants.

17 CASE NO. 2:16-cv-00943-GMN-VCF

18 **STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

19 (SECOND REQUEST)

20 Pursuant to LR 6-1 and LR 26-4, Defendant Affinitylifestyles.com, Inc. d/b/a Real  
21 Alkalized Water (“Real Water”) and Plaintiff Grecia Echevarria-Hernandez, by and through their  
22 respective counsel of record, hereby stipulate and request that this Court extend discovery in the  
23 above-captioned case thirty days (30) days, up to and including February 20, 2017. In addition,  
24 the parties request that all corresponding dispositive motions and pretrial order deadlines be  
25 extended as outlined herein. In support of this Stipulation and Request, the parties state as  
follows:

26 **DISCOVERY COMPLETED**

27 1. On April 26, 2016, this action was commenced by filing of the Complaint.  
28 2. On May 25, 2016, Defendant filed its Motion to Compel Arbitration.

1 3. On July 5, 2016, Plaintiff produced her Initial Disclosures.

2 4. On July 6, 2016, Plaintiff propounded her First Set of Requests for Production of  
3 Documents, First Set of Requests for Admissions, and First Set of Interrogatories to Real Water.

4 5. On July 7, 2016, the parties submitted a proposed Discovery Plan and Scheduling  
5 Order, which the Court signed as an Order on July 8, 2016.

6 6. On July 12, 2016, Real Water produced their Initial Disclosures of Production of  
7 Documents.

8 7. On August 15, 2016, Real Water propounded their Responses to Plaintiff's First  
9 Set of Requests for Admission and Responses to Plaintiff's First Set of Interrogatories to Plaintiff.

10 8. On August 17, 2016, Real Water propounded their Responses to Plaintiff's First  
11 Set of Requests for Production of Documents to Plaintiff.

12 9. On August 17, 2016, Real Water produced their First Supplemental Disclosures.

13 10. On October 3, 2016, Plaintiff produced her First Supplement to Initial Disclosures.

14 11. On October 7, 2016, Plaintiff deposed Real Water employee Aimee Jones.

15 12. On October 11, 2016, Plaintiff deposed Real Water employee Frank Consiglio.

16 13. On October 11, 2016, Plaintiff produced her Second Supplement to Initial  
17 Disclosures.

18 14. On October 12, 2016, Plaintiff propounded her Second Set of Interrogatories and  
19 Second Set of Requests for Production of Documents to Real Water.

20 15. On October 25, 2016, Plaintiff produced her Third Supplement to Initial  
21 Disclosures.

22 16. On October 27, 2016, Plaintiff deposed Blain Jones, Real Water's Rule 30(b)(6)  
23 witness.

24 17. On October 31, 2016, Plaintiff produced her Fourth Supplement to Initial  
25 Disclosures.

26 18. On November 3, 2016, Real Water deposed Plaintiff.

27 19. On November 8, 2016, Plaintiff produced her Fifth Supplement to Initial  
28 Disclosures.

20. On December 9, 2016, Plaintiff produced her Sixth Supplement to Initial Disclosures.

21. On December 14, 2016, the parties mutually exchanged initial expert disclosures.

22. On December 15, 2016, Plaintiff propounded her Third Set of Interrogatories to Defendant, her Second Set of Requests for Admission to Defendant, and her Third Set of Requests for Production of Documents to Defendant.

23. On December 28, 2016, Plaintiff produced her Seventh Supplement to Initial Disclosures.

24. On December 28, 2016, Plaintiff deposed Brent Jones and Bonnie Mercado.

25. On January 9, 2017, Plaintiff produced her rebuttal expert disclosures.

26. On January 9, 2017, Real Water produced its supplemental designation of expert witnesses.

27. On January 16, 2017, Plaintiff unilaterally set Jeramy Edgel's deposition for January 20, 2017 to preserve a date within the current discovery period because Defendant was unable to provide availability for Mr. Edgel at the time.

## DISCOVERY REMAINING

17           1. The deposition of Jeramy Edgel.  
18           2. The depositions of the parties' named experts.  
19           3. Any additional discovery.

## REASONS WHY DISCOVERY WAS NOT COMPLETED

21 Mr. Edgel's deposition has not been accomplished due to the witness' unavailability.  
22 When Plaintiff first requested Mr. Edgel's deposition, the witness was on medical leave from  
23 work with Defendant. Since that time, Mr. Edgel has ended his employment with Defendant.  
24 Defendant will provide additional proposed dates of availability for Mr. Edgel's deposition, but  
25 the date unilaterally set by Plaintiff is unavailable for Defendant's counsel.

26 After the parties mutually exchanged expert disclosures on December 14, 2016, due to the  
27 intervening holidays and the parties' schedules, dates for depositions have not been set. The

1 parties agree to coordinate on dates within the short extension to accomplish this remaining  
 2 discovery.

3 Additionally, Defendant has requested an extension of time to submit responses to  
 4 Plaintiff's Third Set of Interrogatories, Second Set of Requests for Admission, and Third Set of  
 5 Requests for Production of Documents, which necessitates a short extension of the discovery  
 6 deadline.

7 The parties agree to cooperate and diligently coordinate any remaining discovery activities.  
 8 Based on the foregoing, the parties aver, pursuant to Local Rule 6-1, that good cause exists for the  
 9 requested extension.

10 **PROPOSED SCHEDULE FOR DISCOVERY**

11 The following is a list of the current discovery deadlines and the parties' proposed  
 12 extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	January 20, 2017	February 20, 2017
Dispositive Motions	February 20, 2017	March 22, 2017 or at least thirty (30) days after the close of discovery
Joint Pretrial Order	March 22, 2017	April 21, 2017 or at least thirty (30) days after the decision of last Dispositive Motions

20 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs  
 21 modifications or extension of this discovery plan and scheduling order. Any stipulation or motion  
 22 must be made no later than twenty-one (21) days before the expiration of the subject deadline, and  
 23 comply fully with LR 26-4.

24 The parties recognize that they are requesting an extension of the discovery deadline inside  
 25 of the twenty-one (21) day period as set forth in LR 26-4. As such, the parties submit that good  
 26 cause exists to permit granting this short extension in light of the witness availability issues, the  
 27 holiday schedule interference, and the parties' continuing cooperation. Moreover, the parties  
 28 submit that excusable neglect exists to permit granting the instant requested extension. In

1 evaluating excusable neglect, the court considers the following factors: (1) the reason for the  
 2 delay and whether it was in the reasonable control of the moving party, (2) whether the moving  
 3 party acted in good faith, (3) the length of the delay and its potential impact on the proceedings,  
 4 and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs. Co. v. Brunswick*  
 5 *Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993). The parties continue to act in  
 6 good faith to complete discovery as ordered by the Court. Further, this extension request is made  
 7 in good faith, jointly by the parties, and not for the purposes of delay. Trial in this matter has not  
 8 yet been set. Moreover, since this request is a joint request, neither party will be prejudiced.

9       This Request for an extension of time is not sought for any improper purpose or other  
 10 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient  
 11 time to conduct discovery in this case and to adequately prepare their respective cases for trial.

12       This is the second request for extension of time in this matter. The parties respectfully  
 13 submit that the reasons set forth above constitute compelling reasons for the short extension.

14       ///

15       ///

16       ///

17       ///

18       ///

19       ///

20       ///

21       ///

22       ///

23       ///

24       ///

25       ///

26       ///

27       ///

28       ///

1 WHEREFORE, the parties respectfully request that this Court extend the discovery period  
2 by thirty days (30) from the current deadline of January 20, 2017 up to and including February 20,  
3 2017 and the other dates as outlined in accordance with the table above.

4 DATED this 18th day of January, 2017.

DATED this 18th day of January, 2017.

5 */s/ Danielle J. Barraza, Esq.*

6 Joseph A. Gutierrez, Esq.  
7 Danielle J. Barraza, Esq.  
8 MAIER GUTIERREZ AYON  
9 8816 Spanish Ridge Avenue  
10 Las Vegas, NV 89148  
11 T: 702-629-7900  
12 F: 702-629-7925  
13 E: [jag@mgalaw.com](mailto:jag@mgalaw.com)  
14 E: [djb@mgalaw.com](mailto:djb@mgalaw.com)

15 Attorneys for Plaintiff Grecia Echevarria-  
16 Hernandez

5 */s/ Cayla Witty, Esq.*

6 Kristol Bradley Ginapp, Esq.  
7 Cayla Witty, Esq.  
8 LEWIS BRISBOIS BISGAARD &  
9 SMITH LLP  
10 6385 S. Rainbow Boulevard, Suite 600  
11 Las Vegas, Nevada 89118  
12 T. 702.893.3383  
13 F: 702.893.3789  
14 E: [Kristol.Ginapp@lewisbrisbois.com](mailto:Kristol.Ginapp@lewisbrisbois.com)  
15 E: [Cayla.Witty@lewisbrisbois.com](mailto:Cayla.Witty@lewisbrisbois.com)

16 Attorneys for Affinitylifestyles.com, Inc.  
17 d/b/a Real Alkalized Water

18 **ORDER**

19 **IT IS SO ORDERED,**

20 **DATED this 19<sup>th</sup> of January, 2017.**



21 **US MAGISTRATE JUDGE**